



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/500,086	02/08/2000	Masayuki Yamasaki	43889-916	2111

20277 7590 04/10/2003

MCDERMOTT WILL & EMERY
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER

KNAPP, JUSTIN R.

ART UNIT	PAPER NUMBER
2183	9

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/500,086	YAMASAKI ET AL.
	Examiner	Art Unit
	Justin Knapp	2183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04 February 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-13 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-13 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.5. 6) Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoge, United States Patent Number 5,930,158 (fig 1 and 7A, column 10, lines 30-67, column 11 lines 1-67, and column 12, lines 1-15).

3. Referring to claim 1, Hoge has taught:

a) a means for providing a set of instructions including an execution control instruction (column 10, lines 30-37, fig 1), the execution control instruction containing a condition field and an instruction-specifying, the condition field specifying an execution condition (fig 1, element 140 and column 10, lines 41-44), the instruction-specifying field defining, in binary code, the number of instructions to be executed just when the execution condition is satisfied (fig 1, element 130 and column 10, lines 46-49);

b) means for deciding whether or not the execution condition that has been specified by the condition field is satisfied (column 10, lines 50-67 and column 11, lines 1-44, fig 7A); and

c) means for determining based on the outcome of the decision whether or not said number of instructions, which number has been defined by the instruction-specifying field as the number of instructions, should be nullified (column 11, lines 45-65, fig. 7A).

4. Referring to claim 2, Hoge has taught a method comprising the steps:

- a) providing an execution control instruction, the execution control instruction containing a condition field and an instruction-specifying field, the condition field specifying an execution condition (fig 1, element 140 and column 10, lines 41-44), the instruction-specifying field defining, in binary code, the number of instructions to be executed just when the execution condition is satisfied (fig 1, element 130 and column 10, lines 46-49);
- b) deciding whether or not the execution condition that has been specified by the condition field is satisfied (column 10, lines 50-67 and column 11, lines 1-44, fig 7A); and
- c) determining based on the outcome of the decision step b) whether or not said number of instructions, which number has been defined by the instruction-specifying field as the number of instructions succeeding the execution control instruction, should be nullified (column 11, lines 45-65, fig. 7A).

5. Referring to claim 3, the rejections of claim 2 apply to claim 3 since claim 3 is dependent on claim 2. Furthermore, Hoge has taught the method of claim 2:

- a) wherein the condition field is a single field for specifying the execution condition (fig 1, element 140 and column 10, lines 41-44), and
- b) wherein the instruction-specifying field is a single field for defining the instruction number (fig 1, element 130 and column 10, lines 46-49), and
- c) wherein the step c) comprises the sub-step of regarding said number of instructions as instructions to be executed just when the execution condition is satisfied, and nullifying the condition field if the execution condition that has been specified by the condition field is not satisfied (fig 7A, column 11, lines 27-65).

Art Unit: 2183

6. Referring to claim 4, the rejections of claims 2 and 3 apply to claim 4 since claim 4 is dependent on claims 2 and 3. Furthermore, Hoge has taught the method of claim 3:

a) wherein the step c) further comprises the sub-step of executing the conditionally executable instructions if the execution condition that has been specified by the condition field is satisfied (fig 7A, column 11, lines 40-44).

7. Referring to claim 9, the rejections of claim 2 apply to claim 9 since claim 9 is dependent on claim 2. Furthermore, Hoge has taught a method of claim 2:

a) wherein the condition field includes multiple condition sub-fields, each specifying a single associated execution condition (column 5, lines 1-20 and fig 1, element and 140 and 170 and column 10, lines 41-44), and

b) wherein the instruction-specifying field is a single field for defining the instruction number (fig 1, element 130 and column 10, lines 46-49);

c) wherein the step c) comprises a plurality of sub-steps wherein each said sub-step, said number of instructions, which number has been defined by the instruction-specifying field as the number of instructions succeeding the execution control instruction, are regarded as conditionally executable instructions, and, if the execution control condition specified by an associated one of the condition sub-fields is not satisfied, the conditionally executable instructions at a location corresponding to the execution condition specified are nullified (column 12, lines 16-67, fig 7C).

8. Referring to claim 10, the rejections of claims 2 and 9 apply since claim 10 is dependent on claims 2 and 9. Furthermore, Hoge has taught a method of claim 9 wherein the step c) comprises a plurality of sub-steps, wherein in each said sub-step, if the execution condition specified by an associated one of the condition sub-fields is satisfied, the conditionally

executable instructions at a location corresponding to the execution condition specified are executed (column 12, lines 16-67, fig 7C).

9. Referring to NEW claim 13, Hoge has taught a method comprising:

- a) providing a set of instructions including an execution control instruction, the execution control instruction containing a condition field specifying an execution condition in binary code (as taught herein above, see rejection of claim 3);
- b) deciding, based on the results of operations performed in response to one or more instructions preceding the execution control instruction in the instruction set provided, whether or not the execution condition that has been specified by the condition field of the execution control instruction is satisfied (as taught herein above, see rejection of claim 3); and
- c) nullifying one or more instructions succeeding the execution control instruction if the execution condition that has been specified by the condition field of the execution control instruction is not satisfied (as taught herein above, see rejection of claim 3).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 5-8, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoge.

12. Referring to claims 5 and 6, the rejections of claim 2 apply since 5 and 6 are dependent on 2. Hoge taught a skip instruction wherein the condition field is a single field for specifying the execution condition (column 10, lines 41-44) and wherein the instruction-specifying field is a single field for defining the instruction number (column 10, lines 46-49). Hoge lacks a teaching wherein there is a first set and a second set of conditionally executable instructions wherein the first set of conditionally executable instructions is nullified and the second of set of conditionally executable instructions is executed if the execution condition is not satisfied or the first set of conditionally executable instructions is executed and the second of set of conditionally executable instructions is nullified if the execution condition is satisfied. Hoge has taught a method wherein two skip instructions can be used to create IF/ELSEIF/ELSE logical sets of instructions (column 12, lines 16-67, figure 7C). One skip instruction is used to specify the condition and number of instructions to skip or execute for the IF instruction set. If that condition is satisfied or not satisfied, the IF instruction set is executed or nullified respectively and the ELSEIF instruction set is nullified if the IF instruction set is executed or evaluated using a second skip instruction to specify the condition and number of instructions to nullify or execute for the ELSEIF instruction set. If neither the IF or ELSEIF instruction sets are satisfied, both instruction sets are nullified and the ELSE instruction set is executed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the system of Hoge by removing the ELSEIF set of instructions thus eliminating the need for a second skip instruction, keeping the IF/ELSE structure to accommodate for a first and second set of conditionally executable instructions. Doing so would have allowed for use of a system incorporating Hoge's teachings using one skip instruction with a condition field and a instruction

specifying field wherein there is a first set and a second set of conditionally executable instructions wherein the first set of conditionally executable instructions is nullified and the second of set of conditionally executable instructions is executed if the execution condition is not satisfied and the first set of conditionally executable instructions is executed and the second of set of conditionally executable instructions is nullified if the execution condition is satisfied.

One of ordinary skill would have been motivated to do this because it eliminating a skip instruction would decrease the number of instructions to be executed thus improving the throughput of the system rather than using two skip instructions, one for each set of conditionally executable instructions.

13. Referring to claims 7 and 8, the rejections of claim 2 apply since 7 and 8 are dependent on 2. Hoge taught a skip instruction wherein the condition field is a single field for specifying the execution condition (column 10, lines 41-44). Hoge lacks a teaching wherein the instruction-specifying field contains first and second instruction-specifying sub-fields, which respectively define first and second numbers of instructions to be executed and wherein the first number of instructions, which number has been defined by the first instruction-specifying sub-field as the number of instructions succeeding the execution control instruction, as a first set of conditionally executable instructions, and nullifying the first set of conditionally executable instructions and executing the second set of conditionally executable instructions if the execution condition specified by the condition field is not satisfied; and regarding the second number of instructions, which number has been defined by the second instruction-specifying sub-field for instructions succeeding the first set of conditionally executable instructions, as a second set of conditionally executable instructions, and nullifying the second set of conditionally executable instructions and

executing the first set of conditionally executable instructions if the execution condition specified by the condition field is satisfied. Hoge has taught a method wherein two skip instructions can be used to create IF/ELSEIF/ELSE logical sets of instructions (column 12, lines 16-67, figure 7C). One skip instruction is used to specify the condition and number of instructions to skip or execute for the IF instruction set. If that condition is satisfied or not satisfied, the IF instruction set is executed or nullified respectively and the ELSEIF instruction set is nullified if the IF instruction set is executed or evaluated using a second skip instruction to specify the condition and number of instructions to nullify or execute for the ELSEIF instruction set. If neither the IF or ELSEIF instruction sets are satisfied, both instruction sets are nullified and the ELSE instruction set is executed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to eliminate the two skip instructions taught by Hoge and use one skip instruction having sub-fields in the instruction-specifying field specifying the number of instructions to execute for each instruction set in a similar system wherein there are only a first and second set of instructions to be conditionally executed. One of ordinary skill would have been motivated to do this because eliminating a skip instruction would decrease the number of instructions to be executed thus improving the throughput of the system rather than using two skip instructions, one for each set of conditionally executable instructions.

14. Referring to claims 11 and 12, the rejections of claim 2 apply since 11 and 12 are dependent on 2. Hoge has taught a method of claim 2, wherein the condition field includes multiple condition sub-fields, each specifying a single execution condition (column 5, lines 1-20 and fig 1, element and 140 and 170 and column 10, lines 41-44). Hoge lacks a teaching wherein the instruction-specifying field includes multiple instruction-specifying sub-fields corresponding

to the respective condition sub-fields, each said instruction-specifying sub-field defining an associated number in binary code, and wherein the step c) comprises a plurality of sub-steps wherein each said sub-step, said number of instructions are regarded as conditionally executable instructions, and if the execution condition specified by an associated one of the condition sub-fields is not satisfied, the conditionally executable instructions at a location corresponding to the execution condition specified are nullified or if the execution condition specified by an associated one of the condition sub-fields is satisfied, the conditionally executable instructions at a location corresponding to the execution condition specified are satisfied. Hoge has taught a method wherein two skip instructions can be used to create IF/ELSEIF/ELSE logical sets of instructions (column 12, lines 16-67, figure 7C). One skip instruction is used to specify the condition and number of instructions to skip or execute for the IF instruction set. If that condition is satisfied or not satisfied, the IF instruction set is executed or nullified respectively and the ELSEIF instruction set is nullified if the IF instruction set is executed or evaluated using a second skip instruction to specify the condition and number of instructions to nullify or execute for the ELSEIF instruction set. If neither the IF or ELSEIF instruction sets are satisfied, both instruction sets are nullified and the ELSE instruction set is executed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Hoge. Doing so one of ordinary skill would eliminate the need for multiple skip instructions each having a different instruction-specifying field to be associated with a corresponding condition field and use one skip instruction having multiple sub-fields in the instruction-specifying field specifying the number of instructions to be conditionally executed based on an associated condition specified by multiple sub-fields in the condition field. One of

ordinary skill would have been motivated to do this because eliminating a skip instruction would decrease the number of instructions to be executed thus improving the throughput of the system rather than using multiple skip instructions.

Response to Amendment

15. Applicant's arguments filed on February 4, 2003, paper number 8, have been fully considered but they are not persuasive.

16. With respect to claims 1 and 2 and inherently, claims 3-12 which are dependent on claim 2, Applicants argue:

“In contrast, Hoge discloses that the execution condition is specified by the Y operand address 140, which is 10 bits long (i.e., Y(cc-test)). Importantly, however, nowhere does Hoge appear to disclose or suggest that the execution condition is specified utilizing a binary code.”

However, Hoge does teach that the execution condition (cc_test) is specified utilizing a binary code. Hoge discloses in the preferred embodiment, the cc_test operand is also stored in the data format and includes a 2-bit field (a “binary code”) that specifies which one of the four possible forms of Boolean equations (the Y operand address) should be used for the test (see column 11, lines 20-23).

17. The rejections are respectfully maintained and incorporated by reference as set forth in the last office action, paper number 6, mailed October 4, 2002 and repeated in this Office Action herein above.

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

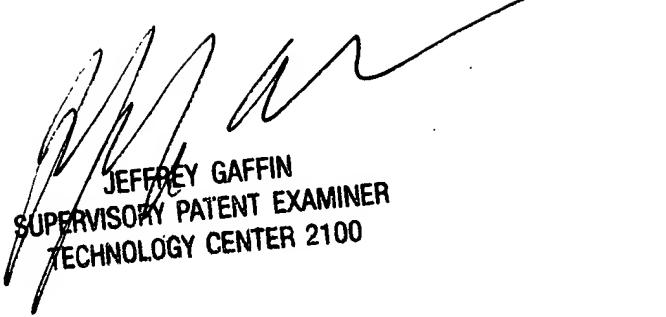
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Knapp whose telephone number is (703) 308-6132. The examiner can normally be reached on Mon - Fri 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (703) 308-3301. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Justin Knapp
Examiner
Art Unit 2183

April 7, 2003



JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100